

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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|---------------------|---|-----------------------------------|
| THE KROGER CO., | : | Case No. 1:02-cv-439 |
| Plaintiff, | : | Judge Sandra S. Beckwith |
| | : | Magistrate Judge Timothy S. Black |
| v. | : | |
| MALEASE FOOD CORP., | : | |
| Defendant. | : | |

ORDER

On April 1, 2005, Plaintiff The Kroger Co. filed its motion for leave to amend its motion to show cause and for sanctions (doc. 84). Defendant Malease Foods Corp. has filed its memorandum in opposition (doc. 85), and Plaintiff has filed its reply memorandum (doc. 86). Upon review, the undersigned grants Plaintiff's motion (doc. 84) and orders that Plaintiff file its amended motion within 10 days of entry of this Order.

It is so ordered.

Date: 5/12/05

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge